

FEB 08 2019

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK
BY: *ASurge*
DEPUTY CLERK

CLARENCE EDWARD
WHITAKER, on behalf of himself
and as Administrator of the Estate
of Shannon Marie Whitaker,
deceased,

Plaintiff,

v.

HYUNDAI MOTOR COMPANY,
et al.,

Defendants.

Case No. 7:17-cv-00055

By: Michael F. Urbanski
Chief United States District Judge

ORDER

Plaintiff Clarence Edward Whitaker (“Whitaker”) filed his Motion in Limine No. 4 to Preclude Defense from Arguing that the Federal Government has Approved the Design of its Ignition Solenoid Connector, that the Design of the Connector is Safe, or that the Government has said that the Hyundai Santa Fe is Safe on January 25, 2019. ECF No. 162. Defendants Hyundai Motor Company and Hyundai Motor America, Inc. (“Defendants”) responded on February 1, 2019. ECF No. 193. For the reasons stated below, the court **DENIES** the motion as moot.

Whitaker is “concerned” that Defendants will suggest to the jury that minimal compliance with the Federal Motor Vehicle Safety Standards means the government has approved the design of the Hyundai Santa Fe. Whitaker argues that that these are minimum safe standards; car manufacturers must comply with them if they wish to sell cars in the United States. Whitaker correctly points out that 49 U.S.C. § 30103(e), however, specifically

states that meeting the standards does not insulate manufacturers from liability at common law. Whitaker asks that Defendants not be permitted to convey that the federal government has approved of the ignition lock solenoid connector simply because they met these standards.

Defendants respond tersely, claiming inability to discern what the motion seeks or why. The court will interpret this as a lack of intention to offer evidence or argument of the sort objected to and **DENY** the motion as moot.

It is **SO ORDERED**.

Entered: 02/08/2019

/s/ Michael F. Urbanski

Michael F. Urbanski
Chief United States District Judge